

HOUSE BILL 476

By Gravitt

AN ACT to amend Tennessee Code Annotated, Title 13,
Chapter 7, Part 1 and Title 13, Chapter 7, Part 2,
relative to zoning.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by
adding the following language as a new section:

(a) As used in this section, "building design elements":

(1) Means exterior building color, type, or style of exterior cladding
material, style or materials of roof structures or porches, exterior non-structural
architectural ornamentation, location or architectural styling of windows and
doors, including garage doors, the number and types of rooms, and the interior
layout of rooms; and

(2) Does not mean:

(A) The height, bulk, orientation, or location of a structure on a
zoning lot;

(B) The use of buffering or screening to minimize visual impacts,
to mitigate the impacts of light and noise, or to protect residents' privacy;
or

(C) Any uses of land or structures governed under regulations
adopted pursuant to this part and subject to regulation in the International
Residential Code, published by the International Code Council, Inc.

(b) Any zoning and development regulation relating to building design elements
adopted under this part, or under any recommendation made pursuant to § 13-7-102,

must not be applied to any structures for one-family or two-family dwellings subject to regulation in the International Residential Code, published by the International Code Council, Inc., except under one (1) or more of the following circumstances:

(1) The structures are located in an area designated as a historic district pursuant to part 4 of this chapter;

(2) The structures are located in an area designated as a historic district on the national register of historic places;

(3) The structures are individually designated as local, state, or national historic landmarks;

(4) The regulations are directly and substantially related to the requirements of applicable safety standards promulgated pursuant to § 68-120-101;

(5) Where the regulations are applied to manufactured housing in a manner consistent with federal law; and

(6) Where the regulations are adopted as a condition of participation in the national flood insurance program authorized by 42 U.S.C. § 4001 et seq.

(c) Regulations prohibited by this section must not be applied, directly or indirectly, in any zoning district, unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of, and in the course of, the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval. The regulations must not be applied indirectly as part of a review of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

(d) Nothing in subsection (c) affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following language as a new section:

(a) As used in this section, "building design elements":

(1) Means exterior building color, type, or style of exterior cladding material, style or materials of roof structures or porches, exterior non-structural architectural ornamentation, location or architectural styling of windows and doors, including garage doors, the number and types of rooms, and the interior layout of rooms; and

(2) Does not mean:

(A) The height, bulk, orientation, or location of a structure on a zoning lot;

(B) The use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect residents' privacy; or

(C) Any uses of land or structures governed under regulations adopted pursuant to this part and subject to regulation in the International Residential Code, published by the International Code Council, Inc.

(b) Any zoning and development regulation relating to building design elements adopted under this part, or under any recommendation made pursuant to § 13-7-202, must not be applied to any structures for one-family or two-family dwellings subject to regulation in the International Residential Code, published by the International Code Council, Inc., except under one (1) or more of the following circumstances:

(1) The structures are located in an area designated as a historic district pursuant to part 4 of this chapter;

(2) The structures are located in an area designated as a historic district on the national register of historic places;

(3) The structures are individually designated as local, state, or national historic landmarks;

(4) The regulations are directly and substantially related to the requirements of applicable safety standards promulgated pursuant to § 68-120-101;

(5) Where the regulations are applied to manufactured housing in a manner consistent with federal law; and

(6) Where the regulations are adopted as a condition of participation in the national flood insurance program authorized by 42 U.S.C. § 4001 et seq.

(c) Regulations prohibited by this section must not be applied, directly or indirectly, in any zoning district, unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of, and in the course of, the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval. The regulations must not be applied indirectly as part of a review of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

(d) Nothing in subsection (c) affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

SECTION 3. The act shall take effect July 1, 2017, the public welfare requiring it.